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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,540	05/30/2006	Alan David Macduff	NL 030216	4671

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/01/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,540	<b>Applicant(s)</b> MACDUFF, ALAN DAVID	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 16, 18, and 19 are rejected under U.S.C. 101 because in the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes et al. (US Pub. No. 2001/0038746).
4. Consider claim 1. Hughes et al. teaches an apparatus for generating a content presentation signal comprising: an interface for a content source, the content source comprising a plurality of content data streams comprising content data associated with a content signal and a virtual content stream comprising content data pointers to the

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content data of the plurality of content data streams; means for retrieving the virtual content stream through the interface; means for retrieving content data pointers from the virtual content stream in response to a presentation criterion; and means for generating the content presentation signal from content data of the plurality of content data streams associated with the retrieved content data pointers (paras. 038-0045; fig. 1).

5. Consider claim 2. Hughes et al. teaches an apparatus as claimed in claim 1 wherein the virtual content stream comprises synchronization information related to the content data associated with the content data pointers, and the means for generating the content presentation signal is operable to generate the content presentation signal in response to the synchronization information (abstract; para. 0023; synchronization information is inherent in order to read/decode data simultaneously).

6. Consider claim 3. An apparatus as claimed in claim 1 wherein the means for generating is operable to generate the content presentation signal from a subset of content data streams (paras. 0028 and 0029).

7. Consider claim 4. Hughes et al. teaches an apparatus as claimed in claim 1 wherein the means for generating is operable to generate the content presentation signal as an interleaved content data stream by interleaving the content data of the plurality of content data streams associated with the retrieved content data pointers (para. 0023, 0026, and 0030).

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8. Consider claim 5. Hughes et al. teaches an apparatus as claimed in claim 1 wherein at least two of the plurality of content data streams have different data rates (para. 0043)

9. Consider claim 6. Hughes et al. teaches an apparatus as claimed in claim 1 wherein at least one of the plurality of content data streams is a non-interleaved content data stream (para. 0023).

10. Consider claim 7. Hughes et al. teaches an apparatus as claimed in claim 1 wherein at least one of the plurality of content data streams is an elementary data stream (para.0045).

11. Consider claim 8. Hughes et al. teaches an apparatus as claimed in claim 1 wherein at least one of the plurality of content data streams is an audiovisual signal (para. 0003).

12. Consider claim 9. Hughes et al. teaches an apparatus as claimed in claim 1 wherein the presentation criterion is a desired content presentation signal bandwidth characteristic (para. 0043).

13. Consider claim 10. Hughes et al. teaches an apparatus as claimed in claim 1 wherein the presentation criterion is a desired content presentation signal quality characteristic (para. 0022).

14. Consider claim 11. Hughes et al. teaches an apparatus as claimed in claim 1 wherein the presentation criterion is a bandwidth limitation related to the interface (para. 0043).

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15. Consider claim 12. Hughes et al. teaches an apparatus as claimed in claim 1 wherein at least one of the plurality of content data streams is a single content type content data stream, and the apparatus further comprises means for generating a single content type presentation signal by retrieving the single content type content data stream (paras. 0038 and 0039; fig. 3).

16. Consider claim 13. Hughes et al. teaches an apparatus as claimed in claim 1 wherein further comprising buffering means for buffering the virtual content stream (fig. 5, 308 decoding and combining module).

17. Consider claim 14. Hughes et al. teaches an apparatus as claimed in claim 1 wherein the content source is a content signal storage medium (para. 0023).

18. Claims 15-19 are rejected using similar reasoning as the corresponding claims above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
August 25, 2010

/JAMIE JO ATALA/  
Primary Examiner, Art Unit 2621